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## Appeal Decision

Site visit made on 29 September 2022

**by D J Barnes MBA BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local Government**

**Decision date: 26th October 2022**

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**Appeal Ref: APP/K0235/W/22/3298026**

**Lower Goodwick Farm, Begwary Lane, Begwary MK44 2NX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs R Turton against the decision of Bedford Borough Council.
  - The application Ref 21/01098/FUL, dated 15 April 2021, was refused by notice dated 8 February 2022.
  - The development proposed is the replacement of an existing office and garage block with new oak framed traditional office block with annex above in part of the loft.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) character and appearance of the host property and the surrounding area and (b) the living conditions of the occupiers of Pea Barn and (c) whether the proposed building would be ancillary or incidental to the host property or a separate independent dwelling unit.

### Reasons

#### *Character and Appearance*

3. The proposed development includes the demolition of an existing single storey outbuilding and the erection of a building of a larger size which would include garages/workshop at ground floor level and 2 guest bedrooms within part of the roofspace. The extensive garaging is claimed by the appellant to be required to park vehicles undercover. It was observed during the site visit that several vehicles were parked around the curtilage of the host property.
4. The proposed building would be materially larger in height and footprint than the outbuilding it would replace. By reason of both its scale and bulk, together with the undulating topography, the appeal scheme would be a visually prominent form of development within the surrounding verdant and open countryside. The proposed building would be materially more visible from the near-by roads and public rights of way than the existing outbuilding.
5. Although an oak frame is proposed, the design of the appeal scheme would be utilitarian rather than seeking to replicate the style and form of the associated dwelling or the adjoining timber clad former agricultural buildings which have been converted to residential use. The ground floor elevations would be

visually dominated by garage doors. The removal of these doors, as suggested by the appellant, would improve the appearance of the appeal scheme but it would not address the harm caused by reason of the scale and siting of the proposed building.

6. On this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, there would be a conflict with Policies 28S, 29 and 30 of the Bedford Borough Local Plan (LP). Amongst other matters, these policies require development to have a positive relationship with the surrounding area, integrating well with and complementing the character of the area in which the development is located and taking the opportunities to enhance the character and quality of the area.

#### *Living Conditions*

7. Although the existing outbuilding is sited closer to Pea Barn than the appeal scheme, it is single storey in height and its flank wall does not extend along the shared boundary to the same length as the proposed building.
8. Within the front elevation of Pea Barn the closest opening to the shared boundary with the appeal site serves a bedroom. By reason of its siting, height and depth, the proposed building would be an overbearing form of development which would significantly affect the outlook of the neighbouring occupiers from this habitable room window. Further, and for the same reasons, there would be some reduction in levels of day and sun light reaching this window during the afternoon and evening periods. The degree of reduction may not be significant when compared to the current situation but it adds to the unacceptable harm already identified.
9. At the rear of the proposed building is an external staircase with a small platform providing access to the guest bedrooms. The roof of the proposed building and the side elevation of Pea Barn would restrict the outlook of people from the stairs and platform towards the front garden of the neighbouring property. In any event, the front garden of Pea Barn is already visible from the garden of the host property because there is currently only a post and rail fence with minimal vegetation defining the shared boundary. From the stairs and platform there would be an oblique and limited view towards the rear amenity area associated with Pea Barn. The degree of overlooking would not amount to sufficient harm for this appeal to fail on this specific matter.
10. However, because of being an overbearing form of development, it is concluded that the appeal scheme would cause unacceptable harm to the living conditions of the occupiers of Pea Barn and, as such, it would conflict with LP Policy 32 whereby particular attention should be given to disturbance likely to be generated by a development. LP Policies 28S, 29 and 30 are not of direct relevance to this main issue.

#### *Ancillary or Incidental to the Host Property or a Separate Dwelling*

11. The Council is concerned that the proposed building could be used as a separate dwelling house rather than being an annex providing ancillary accommodation to the host property. As is the approach adopted in the appeal decisions provided by the Council<sup>1</sup>, it is a matter of fact and degree as to

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<sup>1</sup> APP/Q1153/X/03/1118941, APP/B1930/W/18/3217177 & APP/K0235/W/20/3251154

- whether or not the proposed development would or could be occupied as either an annex associated with the host property or an independent dwelling. In assessing this, it is necessary to assess the appeal scheme as submitted by the appellant and how the proposed building could function.
12. As proposed, the building would not contain all the facilities for it to be used as an independent dwelling including the absence of a kitchen and living area. However, the appeal scheme would provide 2 bedrooms each with their own en-suite bathrooms. Bedrooms would normally be functionally associated with a dwelling rather than be provided as ancillary or incidental accommodation within a building located away from the host dwelling.
  13. Although not the intention of the appellant who is willing to remove the garage doors, the floorspace proposed at ground floor level for undercover vehicle parking could, in whole or part, be repurposed at a future dated by other occupiers of the host dwelling to provide kitchen, dining and living accommodation. If this did occur then it would result in a separate independent dwelling unit.
  14. Accordingly, and as a matter of fact and degree, the proposed building could in the future be capable of functioning as an independent dwelling in a poorly accessible location within the open countryside. This probability is heightened because the appeal scheme already includes bedroom accommodation which would normally functionally be provided as part of the host property. I share the Council claims that it would not be feasible to impose an effective condition on any planning permission limiting the proposed building's use to ancillary purposes because of difficulties in terms of monitoring future use, especially by reason of the site's remote location.
  15. For the reasons given, my conclusion is that I am not satisfied the proposed building would be used solely as ancillary or incidental accommodation to the host property and, as such, its potential future use as a separate independent dwelling unit would contribute further to the already identified unacceptable harm to the character and appearance of the surrounding area and would also conflict with LP Policy 7S concerning development in the countryside. It is not considered LP Policies 3S, 7S 31 are of direct relevance to this issue because they are concerned with the replacement and extension of existing dwellings in the open countryside, the spatial strategy, the overall housing provision and development not having a significant adverse impact on access to the public highway.
  16. Accordingly, and for the reasons given, it is concluded that this appeal should be dismissed.

*D J Barnes*

INSPECTOR